GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – I&I Department – AP Maritime Board - Allegation of corruption of demand and acceptance of bribe against Sri Budda Adinarayana, the then Port Officer, Kakinada (presently working as Port Officer, Machilipatnam) - Disciplinary Proceedings instituted under Rule-20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Articles of charges - Issued..

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INFRASTRUCTURE & INVESTMENT (PORTS) DEPARTMENT

G.O.Rt.No.61 **Dated:24.08.2023**

Read the following:-

1. From the D.G., ACB Lr.Rc.No.17/RCT-REG/2020-S.10, dt.30.11.2022.
2. G.O.Ms.No.2, I&I (PORTS) Dept, dated 14.03.2023
3. From the DG, ACB, Vijayawada, Rc.No.17/RCT-REG/2020, dt.23.06.2023
4. G.O.Rt.No.59, I&I Dept. dated 24-08-2023

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O R D E R:

It is proposed to hold an inquiry against Sri Budda Adinarayana, the then Port Officer, Kakinada (presently working as Port Officer, Machilipatnam) in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991.

2. The statement of articles of charges and statement of imputations of misconduct and mis-behaviour in respect of which the inquiry is proposed to be held is set out in the enclosed Annexures I&II. A list of documents by which and a list of witnesses by whom, the articles of charges proposed to be sustained are also enclosed in Annexures - III & IV.

3. Sri Budda Adinarayana, the then Port Officer, Kakinada (presently working as Port Officer, Machilipatnam) is directed to submit his written statement of defense within 15 days from the date of receipt of this order.

4. Sri Budda Adinarayana, the then Port Officer, Kakinada (presently working as Port Officer, Machilipatnam) is informed that an inquiry will be held only in respect of those articles of Charges as are not admitted. He should, therefore, specifically admit or deny each Article of charge.

5. Sri Budda Adinarayana, the then Port Officer, Kakinada (presently working as Port Officer, Machilipatnam) is further informed that if he does not submit his written statement of defence on or before the date specified in para (3) above, further action will be processed based on the material available.

6. Attention of Sri Budda Adinarayana, the then Port Officer, Kakinada (presently working as Port Officer, Machilipatnam) is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his/her interest in

respect of matters pertaining to his service under the Government. If any representation is received on his/her behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that above said Sri Budda Adinarayana, the then Port Officer, Kakinada (presently working as Port Officer, Machilipatnam) is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

7. The receipt of the G.O., may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N.YUVARAJ
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

To
Sri Budda Adinarayana, the then Port Officer, Kakinada (presently working as Port Officer, Machilipatnam) – **through** CEO,APMB (w.e)
The Chief Executive Officer, APMB.
Copy to:
The DG, ACB, Vijayawada.
SF/SC (E-1098195).

// FORWARDED:: BY ORDER //

B. Venkateswarlu
SECTION OFFICER

ANNEXURE -I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI BUDDA ADINARAYANA, S/O JANGAMAYYA, A/45 YEARS, PORT OFFICER, O/o PORT OFFICER, A.P. MARITIME BOARD CAMP OFFICE, KAKINADA, EAST GODAVARI DISTRICT IN CR.NO. 04/RCT-RJY/2020 OF ACB, RAJAMAHENDRAVARAM RANGE, RAJAMAHENDRAVARAM.

That Sri Budda Adinarayana, S/o Jangamayya, 45 years, Port Officer (FAC), Kakinada Port, A.P. Maritime Board, Kakinada, East Godavari district (here-in-after referred to as Government Servant) while functioning as such during the period between 09.10.2019 to 07.02.2020 committed grave misconduct in as much as:

Article of Charge:

That the Government Servant in abuse of his official position with a common intention demanded and accepted the bribe of Rs. 60,000/- from the complainant Sri N. Venkata Raksha Gandhi through Sri D. Venkata Rao, Port Conservator (PC Registrations) for doing an official favour to register the barge SUNN GLORY of the complainant and to issue registration certificate.

Thus, the Government Servant by his above mentioned acts exhibited lack of integrity, devotion to duty and unbecoming of a Government Servant and brought down the prestige of the Government and there by violated/contravened Rule 3 (1) & 3(2) of APCS (Conduct) Rules, 1964.

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N YUVARAJ
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

SECTION OFFICER

ANNEXURE -II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOR IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI BUDDA ADINARAYANA, S/O JANGAMAYYA, A/45 YEARS, PORT OFFICER, O/o PORT OFFICER, A.P. MARITIME BOARD CAMP OFFICE, KAKINADA, EAST GODAVARI DISTRICT IN CR.NO.04/RCT-RJY/2020 OF ACB, RAJAMAHENDRAVARAM RANGE, RAJAMAHENDRAVARAM.

Sri Budda Adinarayana, S/o Jangamayya, 45 years, Port Officer (FAC),Kakinada Port, A.P. Maritime Board, Kakinada, East Godavari district is a native of Kalingapatnam (V), Gara (M), Srikakulam district and his date of birth is 28.05.1975. He has entered into Government Service on 22.07.2013 as Port Officer and worked at Port Office, Kakinada up to 31.10.2014. He transferred to Port Office, Machilipatnam as Port Officer on 03.11.2014 and where he worked up to 26.07.2015. Later he was transferred to Port Office, Kakinada on 27.07.2015 and where he worked up to 21.07.2016. Later he was transferred to Bhavanapadu Project as Special Officer on 22.07.2016 and worked up to 08.10.2019. Later on 09.10.2019 he assumed Full Additional Charge of the post of Port Officer, Kakinada Port where he worked up to 07.02.2020. He is due to retire from the service on attaining the age of superannuation on 31.05.2037. He is here-in-after referred to as Government Servant (G.S).

Charge:

That the Government Servant in abuse of his official position with a common intention demanded and accepted the bribe of Rs. 60,000/- from the complainant Sri N. Venkata Raksha Gandhi through Sri D. Venkata Rao, Port Conservator (PC Registrations) for doing an official favour to register the barge SUNN GLORY of the complainant and to issue registration certificate.

Facts and Evidence:

That on 05.02.2020 at about 16.00 hours, Sri Nayanala Venkata Raksha Gandhi (Complainant), S/o Suryanarayana Murthy, 48 years, Business, D.No- 16-23B-1/9, Road No. 03, Pallamraju Nagar, Kakinada, East Godavari District came to the O/o DSP, ACB, Rajamahendravaram and presented a written report along with two Pen-drives which were containing the voice conversation, dates. 23.01.2020, 24.01.2020 (between complainant and Sri D. Venkata Rao, Port Conservator/A.O-1 and 25.01.2020 (between complainant and Government Servant) that was recorded by the complainant in his cell phone and transferred into the Pen-drives stating that Sri D. Venkata Rao, Port Conservator and Government Servant have demanded him to pay a bribe of Rs. 60,000/- for doing an official favour to process the file of the complainant pertaining to registration of his barge SUNN GLORY and to issue registration certificate.

After observing all legal formalities, the DSP, ACB, Rajamahendravaram registered the complaint dated. 05.02.2020 of the complainant as a case in Cr.No. 04/RCT-RJY/2020 U/s 7 (a) of P.C (Amendment) Act, 2018 of ACB, Rajamahendravaram Range, Rajamahendravaram on 06.02.2020 at 08.00 hours and took up investigation.

On 06.02.2020, the DSP, ACB, Rajamahendravaram secured the presence of the complainant and two independent mediators viz. 1). Sri Basava Suryanarayana, S/o Suryanarayana, 49 years, Deputy Executive Engineer, O/o Executive Engineer, M&P Division, Rajamahendravaram, R/o D.No. 78-15-20/15, Flat No. 503, Golden Heights Apartment, Syamalanagar, Rajamahendravaram and 2). Sri Bandaru Venkata

Srinivas, S/o Late Appa Rao, 47 years, Senior Assistant, O/o Superintending Engineer (Operations), ADM Section, Circle Office, Rajamahendravaram, R/o Flat No.201, Anjanadri Apartment, Jamindarmetta, Seethammapeta, Rajamahendravaram at the O/o DSP, ACB, Rajamahendravaram Range and conducted pre-trap proceedings from 10.40 hours to 13.40 hours. The pre-trap proceedings were prepared by the mediators as per the happenings duly incorporating the serial numbers of the currency notes produced by the complainant as the proposed bribe amount, the demonstration of chemical tests and the instructions issued to the complainant and the other members of the trap party by the DSP, ACB, Rajamahendravaram.

Further on 06.02.2020, during the pre-trap proceedings, the mediators have gone through the report dated. 05.02.2020given by the complainant and also watched the voice recordings dates. 23.01.2020, 24.01.2020 and 25.01.2020 in the Pen-drive handed over by the complainant along with his compliant dated. 05.02.2020 and prepared the below mentioned transcriptions of the conversation and reflected the same in the pre-trap proceedings. After causing necessary enquiry the mediators got satisfied with the genuineness of the complaint and confirming that the complainant is not having any ill-feelings or monitory transactions with the Government Servant and Sri D. Venkata Rao, Port Conservator and then signed by the mediators on the copy of the compliant as a token of their perusal and enquiry. The mediators prepared the voice transcripts which are as follows.

1st voice conversation dated 23.01.2020 (Between the complainant and A.O-1)

A.O-1	అయితే, అదేనండీ... అరవై.
Complainant	ఏమండీ .
A.O-1	అరవై .
Complainant	అరవై అండి, సార్ కి డైరెక్ట్ గానా.
A.O-1	హా !
Complainant	సార్ కి డైరెక్ట్ గానేనా? సార్ కు డైరెక్ట్ గా అరవైయా? అండి., మరి మీకు?
A.O-1	ఆయన ఏమైనా ఇస్తే ఇస్తాడు లేక పోతే లేదు.ప్రాప్తి మన దయ ఆయన .సిక్స్, జీరో అండి.
Complainant	అది సార్ కే అయితే.
A.O-1	డైరెక్ట్ గానే, నాకు ఏమైనా ఇస్తే ఓకే, లేకపోతే లేదు, అయిన నెంబర్ .కదా ఉంటుంది బాగానే 38
Complainant	ఏదో తగ్గించు సార్, చాలా అయిపోతుంది కదా సార్.
A.O-1	ఏమండి?
Complainant	మొన్నే ఆరు నెలల క్రితం ఐడి చేయించాను, ఎంత అయిపోయిందో తెలుసు కదా మీకు, ఎంత డబ్బు అయిపోయిందో అండి.
A.O-1	మీరు సార్ తో డైరెక్ట్ గా మాట్లాడుకోండి.
Complainant	నేను గానా డైరెక్ట్ ఇంకా ...?, మీరు కదా consent అయింది, దీనికి consent మీరే కదా.
A.O-1	అలా కాదు, మీరు ఇస్తే మీ ఇష్టం, డైరెక్ట్ గా తీసుకోవటంలేదు వద్దని అలా చెప్పేరంటే ఏం నాతో . గొడవ ఈ చెప్పి వద్దని .చెప్పేరు, గొడవ ఎవరేవరికి ఎంత, నువ్వు చూసుకో అని చెప్పారు.

2nd voice conversation dated 24.01.2020 (Between the complainant and A.O-1)

A.O-1	హలో!
Complainant	వెంకటరావుగారునమస్కారమండి.
A.O-1	నమస్తేసార్, వస్తున్నారా?
Complainant	రేపుపొద్దునేవస్తానండి.
A.O-1	ఏ.. అమావాస్యఅనా!
Complainant	అమావాస్య, డబ్బులు కూడా సెట్అవ్వలేదు, రేపే.
A.O-1	హా, సరే, సరే అదేమీ గురించే ఫోన్చేస్తున్నా.
Complainant	రేపు పొద్దునే వస్తానండి.
A.O-1	ఓకే.

3rd Voice conversation dated 25.01.2020 (Between the Complainant and A.O-2)

G.S	చెప్పండిబాబు
Complainant	బార్జి I. V కాన్సలేషన్పెట్టించి, Harbour Craft కిపెట్టాంసార్.
G.S	ఏ? అదేపెట్టుకోవచ్చుకదా!
Complainant	వెంకట్రావుగారేమో, చేయించేసుకోండిమరి, తిరగాలంటేఅనిఅన్నారండి.
G.S	ఇప్పుడువున్నరూల్స్ప్రకారమైతే, I.V తిరగదు, ఎందుకంటేఅప్పుడుఏదోచేసేసేవారుగానిఅదివేరేసంగతి, ఇప్పుడుబోలెడు, బోలెడుకారణాలు.
Complainant	అలాగన్నారనే, Harbour Craft కిపెర్మిషన్పెట్టానండి, ఫైల్కూడాఇచ్చానండీ.
G.S	చేస్తాను, చేస్తాను.
Complainant	కొంచెం.....
G.S	చేస్తాను, చేస్తాను.
Complainant	అరవైవేలుఅడుగుతున్నారండి, చాలాఖర్చుపెట్టేసేనండి.
G.S	నేనుచేస్తాను, చేస్తాను. ఇబ్బందిఏమిలేదు...
Complainant	కొంచెంవెంకట్రావుగారికిచెప్పండి.
G.S	నేనుచేస్తాను, చేస్తాను. థాంక్యూ.

After concluding the proceedings under mediator report-1, on 06.02.2020 at 13.40 hrs, in the office room of DSP, ACB, Rajamahendravaram Range and after having lunch, the mediators, the DSP, ACB and his staff along with the complainant left from the ACB office, Rajamahendravaram at 14.30 hrs in three vehicles and car of the complainant towards Kakinada. They all reached Beach Road, Kakinada, East Godavari district at about 16.45 hours. The DSP stopped the vehicles in the right-side open space in front of Port Administrative building. The DSP alighted the complainant and Sri P.V.G. Tilak, Range Inspector-III from the vehicle and instructed the complainant to go to the office of Port Officer, A.P. Maritime board camp office, Kakinada, meet Sri D. Venkata Rao, Port Conservator and pay the tainted bribe amount of Rs. 60,000/- on his further demand only but not otherwise. In case of his demand and acceptance of bribe amount to come out from there to visible place and give pre-arranged signal by wiping his face twice with his hand kerchief to the Inspector Sri P.V.G. Tilak, who is in

vantage position visible to him. The DSP instructed Sri P.V.G. Tilak, Range Inspector-III to follow the complainant in close proximity and to take vantage position in the vicinity of A.P. Maritime Board Camp Office, Beach Road, Kakinada in a visible place to the complainant and to receive the signal from the complainant and to relay the same to the DSP, ACB and other trap party members by lifting up his both hands. The complainant was seen entering into the A.P. Maritime Board, Kakinada at about 17.00 hrs and the Inspector took vantage position near the closed tea stall, located on the southern side of A.P. Maritime Board camp office building. The DSP along with others also took vantage position in the vicinity.

On 06.02.2020 at about 17.40 hrs, the Inspector Sri P.V.G. Tilak received signal from the complainant and relayed the same to the DSP and other trap party members by lifting up his both hands. Immediately, the DSP and other trap party members rushed towards back side of the Port Administrative Building and noticed the complainant and another person aged about 58 yrs wearing Yash colour pant and light cement colour shirt with stripes and spectacles on the path way. Then the DSP asked the complainant to wait outside of the Port Administrative Building till he is called. Then the DSP after disclosing his identity and the identity of other trap party members, ascertained the name and address of the person wearing spectacles as Sri Dangeti Venkata Rao, S/o Late Suranna, 58 yrs, Port Conservator, PC Registration, O/o Port Officer, A.P. Maritime Board Camp Office, Kakinada, E.G. district. On knowing the identity of the ACB officials, the said person became panic and shivered for a while. The DSP asked him to be calm and quiet and to keep his both hands apart. He did accordingly.

Then the DSP got prepared fresh sodium carbonate solution in two glass tumblers through Sri P.V.G. Tilak, Range Inspector-III. On the request of the DSP, Sri D. Venkata Rao rinsed his both hand fingers separately in the above solutions. On doing so, the solution in which he rinsed his right hand remained unchanged and the solution in which he rinsed his left-hand fingers turned into pink colour. The DSP got the above mentioned both solutions transferred into two clean bottles which are sealed, labelled and attested by the mediators and the DSP. The same were seized by the DSP. As the place of trap is a path way on the rear side i.e., back side of port establishment section of the said building, the DSP requested Sri D. Venkata Rao to come to his office room in the said building to continue further proceedings. Accordingly, they all went to the Port Conservancy staff room located in the ground floor of O/o Port Officer, Kakinada.

Then the DSP questioned, Sri D. Venkata Rao whether he had demanded and accepted any bribe amount from any person just prior to arrival of ACB officials, for which he admitted before the mediators that he did a mistake and accepted Rs. 60,000/- from the complainant just prior to the arrival of the ACB officials. On the instructions of the DSP, he took out the bribe amount from his pant left side pocket. On the instructions of the DSP, one of the mediators took the currency notes from Sri D. Venkata Rao, counted the same and found Rs. 60,000/- in total. As per the request of the DSP, the mediators cross checked the denomination and numbers of the currency notes (tainted amount) produced by Sri D. Venkata Rao with that of the currency notes numbers and denomination mentioned in the pre-trap proceedings which they carried with them was found tallied. The denomination and numbers of the currency notes are Rs. 2,000/- denomination currency notes 30, total Rs. 60,000/-.The DSP seized the above said currency notes for the purpose of investigation.

The DSP instructed Sri P.V.G. Tilak, Range Inspector-III to prepare sodium carbonate solution in another glass tumbler. The chemical test was conducted on the inner linings of left side pocket of Yash Colour pant of Sri D. Venkata Rao. On doing so, the colourless solution changed into pink colour. The above solution was got transferred into clean glass bottle duly sealed, labelled and signed by the mediators

and the DSP. The DSP seized the same. The DSP also seized the Raymonds made Yash Colour Pant of Sri D. Venkata Rao duly attested by the mediators and the DSP.

When the DSP again questioned Sri D. Venkata Rao as to why he has demanded and accepted bribe of Rs. 60,000/- from the complainant. Sri D. Venkata Rao stated before the mediators that he did a mistake and accepted Rs. 60,000/- from the complainant as a formality to process the file of the complainant pertaining to registration of his Barge Sunn-Glory and to issue registration certificate duly signed by the Government Servant (Port Officer). He further stated that, on the date of trap i.e., on 06.02.2020 at about 17.00 hrs the complainant came to him and asked about his barge registration. Then he asked him whether he brought the demanded Rs. 60,000/- formality or not? The complainant said that he has brought the money and further requested to issue the registration certificate at the earliest. Then Sri D. Venkata Rao went to the chamber of Government Servant saying that he will inform the message to the Government Servant. Then the Government Servant asked whether Complainant brought the formality or not? Then he replied positively. Then the Government Servant directed Sri D. Venkata Rao to go and inspect the Barge since he was busy in some other work and receive the bribe. He came out and informed the complainant that the Government Servant directed him to accept the bribe after completion of inspection of the Barge. Accordingly, Sri D. Venkata Rao and complainant went to the Barge by car of the Complainant to the Rake Canal Halt near Railway gate and inspected the Barge by physically verifying the Engine condition of the barge, safety measures and other important aspects. During inspection he also got photographed the engine, water tank, safety equipment installed in the barge in his cell phone Samsung Galaxy M-30 model and returned to office by the same car. Then he took the complainant to the rear side of the Port Administrative building (back side of establishment section) where Sri D. Venkata Rao demanded complainant to pay the formality. Then Complainant took the amount from his pant right side pocket with his right hand and gave to Sri D. Venkata Rao. He has received the same with his left hand and kept it in his pant left side pocket. Then he assured complainant that he will complete his registration work at the earliest. Then he was proceeding towards his room from rear side and the complainant left towards entrance gate. Meanwhile, the ACB officials rushed there and surrounded him and caught him. When the DSP asked Sri D. Venkata Rao whether the entire bribe amount is only for him or he will share it to any other officer or staff, Sri D. Venkata Rao said that only Rs. 10,000/- is for him and Harbour Craft Superintendent and the remaining Rs. 50,000/- will be given to the Government Servant etc., facts.

Then the DSP asked Sri D. Venkata Rao to produce his cell phone in which he has taken the photographs of the barge of the complainant during inspection. Then he took out a mobile phone Samsung Galaxy M-30 model from his shirt left side pocket and handed over to the DSP. Then the DSP verified the photos that taken by Sri D. Venkata Rao during the inspection of barge of the complainant and seized the same after duly affixing the slips signed by the mediators and DSP for the purpose of investigation.

On the request of the DSP, Sri D. Venkata Rao produced the following files/records from his office almyrah.

Sl. No.	***Nature of documents***	***No. of sheets***
1.	**File pertaining to Srija Marine & Contracts Services, Pallamraju Nagar, Kakinada: Containing following documents:** 1. License for Harbour Craft prepared in the name of M/s. Srija Marine & Contracts Services with Port Officer's stamp without	1 - File

	signature 1 - Sheet. 2. Application dated. 06.01.2020 of the complainant Sri N.V.R. Gandhi addressed to the Port Officer, Kakinada for KKD registration of their SUNN GLORY Water Barge - 19 Sheets. On perusal, the application was received on 06.01.2020 by the Office of Port & Shipping, Kakinada containing with dated stamp, initials of Office Superintendent, Harbour Craft Superintendent and Port Officer, dtd. 09.01.2020 with enclosures. 3. Draft Note File, dtd. .01.2020 pertaining to Sri N.V.R. Gandhi, Proprietor, Srija Marine & Contracts Services without signatures - 1 Sheet. 4. Demand Notice No. PC/R/SB/134/2019-20, dtd. 30.01.2020 of the Port Officer, Kakinada against Srija Marine & Contracts Services, Kakinada to pay Rs. 14,160/- towards Re-registration charges - 1 Sheet. 5. Payment receipt vide CFMS transaction ID. 30152059202019, dtd. 30.01.2020 for Rs. 14,160/- 1 Sheet. 6. List of new numbers as on 16.12.2019 prepared by Sri D. VenkataRao, Port Conservator- 3 Sheets.	

The DSP seized the above documents duly signed by the mediators and the DSP.

Later the DSP called the complainant and asked him to narrate as to what exactly had happened after he left the trap party and proceeded to meet the Sri D. Venkata Rao till he was called by the DSP.

The complainant stated that after receiving instructions from the DSP, he went to the office of A.P. Maritime Board Camp Office at about 17.00 hrs and found Sri D. Venkata Rao was sitting on the chair in front of another Port Conservator (Lands Weekly & Monthly) who was out of station at about 17.00 hrs and wished him and Sri D. VenkataRao also reciprocated. Then Sri D. Venkata Rao asked him whether he brought the demanded formality or not? Then he replied positively and further requested to issue the registration certificate at the earliest. Then Sri D. Venkata Rao went to the Chamber of Government Servant telling him that he will inform the message to the Government Servant. After a while, Sri D. Venkata Rao returned from the chamber of the Government Servant and informed him that the Government Servant directed him to receive the formality after inspecting the barge. Accordingly, he and Sri D. Venkata Rao went to the Barge by his car to the Rake Canal Halt near Railway gate. Sri D. Venkata Rao inspected the Barge, taken photos of the Barge from different angles with his mobile phone and returned to office by the same car. He parked his car in front of Port Administrative building and both of them got down from the car. Then Sri D. Venkata Rao took him to the rear side of the Port Administrative building (back side of Establishment section) where Sri D. Venkata Rao demanded him to pay the formality. Then he took the tainted amount from his pant right side pocket with his right hand and paid to Sri D. Venkata Rao. The said Sri D. Venkata Rao received the money with his left hand and kept it in his pant left side pocket and assured him to issue the registration certificate and Sri D. Venkata Rao was proceeding towards his room from the rear side path way. Then he turned towards the Inspector and relayed the signal by wiping his face twice with his handkerchief to the Inspector who was in vantage position near Tea Stall on the southern side of the Port

Administrative building. Immediately, the ACB Officials rushed towards rear side of the Port Administrative building and surrounded the said Sri D. Venkata Rao.

Then the DSP confronted the complainant with the version of Sri D. Venkata Rao who has demanded and accepted bribe from the complainant. The complainant stated that on further demand of Sri D. Venkata Rao only, he has paid the tainted amount to Sri D. Venkata Rao, he took the bribe amount from him with his left hand and kept it in his pant left side pocket. He further reiterated that he has paid the tainted amount of Rs. 60,000/- to the said Sri D. Venkata Rao on his further demand only but not otherwise. Sri D. Venkata Rao also admitted the same before the mediators.

The DSP, ACB examined the employees as witnesses who were present in the Port Conservancy staff room when the complainant met Sri D. Venkata Rao and their statements were incorporated in the Mediators Report-II as follows.

1) Sri Raghumalla Venkateswara Rao, S/o Srinivasulu, Port Conservator, O/o Port Officer, Kakinada, R/o Flat No. 201, Bhavya Towers, RTO Office Centre, Kakinada.

On examination, he stated that he was enlisted as Asst. Light Keeper in Vakalapudi Light House in the year 2000. He was promoted as Port Conservator in the year 2017 and ever since working in KKD Port. He has been dealing with Court matters relating to Port lands, land lease and ensure the lease amounts are properly deposited to the Govt., through online. Himself and 06 Port Conservators and 01 Ward Supervisor are stationed in Port Conservancy Staff room and discharging their duties. Sri Dangeti Venkata Rao is also functioning in the same room. On 06.02.2020 at about 11.00 hrs., he came to office. In the evening at about 17.00 hrs., while Sri D. VenkataRao was in the chair opposite to Port Conservator (Lands Weekly & Monthly). Meanwhile, one person came to him and talked to him for a while. He didn't hear their conversation. After a while both of them left the place. At about 17.50 hrs., he came to know that Sri D. Venkata Rao was trapped by the ACB Officials and the ACB Officials conducted proceedings in the Conservancy Staff room etc., facts.

2) Sri Golla Raja Babu, S/o Venkateswara Rao, Port Conservator (Lands long lease), Port Office, Kakinada, R/o Venkata Nagar, Kakinada.

On examination, he stated that he was enlisted as Jr. Assistant in the year 1990. He was promoted as Port Conservator in November, 2017 and ever since he has been working in KKD Port and attending to long lease of lands belongs to Kakinada Port. On 06.02.2020 at about 10.30 hrs., he came to office. Further he corroborated the statement of Sri Raghumalla Venkateswara Rao, Port Conservator in all material facts.

3) Sri Medisetti Bhaskara Rao, S/o Sriram Chandra Murthy, 58 years, Post Conservator, O/o Port Officer, Kakinada, R/o D.No. 16-22-86, Dairy Form Centre, Kakinada.

On examination he stated that he was enlisted as Wharf Supervisor in 1992. He was promoted as Port Conservator in 2005 and ever since he has been working in Kakinada Port. On 06.02.2020 at about 10.30 hrs., he came to office. Further he corroborated the statement of Sri Raghumalla Venkateswara Rao, Port Conservator in all material facts.

Later the DSP examined the Government Servant. On examination, he stated that since 09.10.2019 to till date he has been working as Port Officer, A.P. Maritime Board, Kakinada. He is the competent authority for registration of Barges, Vessels and Boats. One N.V.R. Gandhi (the complainant) who is owner of a barge has applied for cancellation of I.V registration of his barge SUNN Glory on 06.01.2020 and also applied

for Harbour Craft registration/KKD registration on the same day. The Government Servant has endorsed the applications to the respective Port Conservators Sri K.V.S.S.R.Ch. Varma and Sri D. Venkata Rao. As per the note file put by the said Varma, Port Conservator, the I.V. registration of the barge of complainant was cancelled on 24.01.2020. But the Harbour Craft registration as requested by the complainant is pending from 06.01.2020 to till date of trap. As per the rules in Vogue the registration of Barge/Fishing boat has to be done within 07 days and renewal should be done within 03 days from the date of receipt of application. But, in the instant case though the application was received on 06.01.2020, it was not registered even after one month. For registration of his barge, the complainant met him twice and brought to his notice about demand of Rs. 60,000/- bribe by Sri D. Venkata Rao for registration of barge. On the date of trap i.,e on 06.02.2020 at about 17.15 hrs., while he was in his office Chamber Sri D. Venkata Rao came to him and said that he will go to Zone-II office after inspecting the barge in New Port area.

At this juncture, the DSP confronted the Government Servant with Sri D. Venkata Rao and asked him to narrate as to what exactly had happened in the Chamber of the Government Servant when he went there to meet him. On that Sri D. Venkata Rao said that he went to the Chamber of Government Servant and informed that Complainant came for his registration certificate. Then Government Servant asked him whether he brought the formality or not? Then he replied positively. Later, the Government Servant directed him to accept the formality after inspecting the barge. Accordingly, he came out from the chamber and informed the same facts to the complainant and went for the inspection of the Barge. When the DSP questioned the Government Servant about the glaring lapses in the process of registration of the Barge of the complainant, the Government Servant kept mum and did not offer satisfactory explanation. When asked whether he has issued any Memo to Sri D. Venkata Rao for the delay or the corruption allegation brought to his notice by the complainant, he said that he has not issued any Memo etc., facts.

On the request of the DSP, the Government Servant has produced the following records from his office.

Sl. No.	***Nature of documents***	***No of sheets***
1.	<u>Attested copy of Book of Registration:</u> On Perusal, the details of SUNN GLORY were noted in Page No. 338 vide Regn. No. AP-IV-K-B-0189 and it was cancelled on 24.01.2020.	2 – Sheets
2.	Attested copy of G.O.Ms.No. 26, dtd. 08.11.2017 of the Prl. Secretary to Govt., relating to the Issuance of Andhra Pradesh Inland Vessels Rules, 2017.	3 - Sheets
3	Attested copy of last Registration of License granted to M/s. Balaji Marines; Kakinada videRegn. No. 55D-LB37.	3 - Sheets
4	Attested copy of list of work allocation among Ministerial Staff & Executive Staff working the office of the Port Officer, Kakinada.	2 - Sheets
5	<u>Tappal Register of O/o Port Officer, Kakinada:</u> It is being maintained from 23.10.2019. It contains 01 to 262 Sheets. The last entry was entered in Page No. 164. The applications are two sets and the particulars of the SUNN Glory Water Barge was	1 - Regist

	entered in Page No. 131 vide Sl. No. 11 which was applied for cancellation of I.V registration and it was acknowledged by A.V.S.S.R. Ch. Varma, Port Conservator vide Sl. No. 12, other application for KKD Registration and it was acknowledged by Sri D. VenkataRao, Port Conservator.	er
6	Attendance Register of O/o Port Officer, Kakinada – 2020: On perusal, it is being maintained from 01.01.2020. It is containing 36 pages. On 06.01.2020 & 23.01.2020 on which dates Sri D. Venkata Rao, Port Conservator demanded the bribe from the complainant was present in the office and signed in the register. On 06.02.2020, Sri D. Venkata Rao, Port Conservator signed in the register when he accepted the bribe and trapped.	1 – Regist er

The DSP seized the above records duly signed by the mediators and the DSP.

The DSP questioned Sri D. Venkata Rao as to why he has demanded and accepted bribe of Rs. 60,000/- from the complainant to process the file of the complainant pertaining to registration of his Barge Sunn Glory and to issue registration certificate duly signed by the Government Servant, Sri D. Venkata Rao, Port Conservator admitted that he did a mistake as per the directions of the Government Servant, demanded and accepted bribe of Rs. 60,000/- from the complainant as a formality.

The Scene of offence in this case is the path way on the rear side of the Port Establishment Section of the Port Administrative building i.e., on the South-West corner of the building. A closed Tea Stall is located at a distance of 20 metres South-East direction of the scene of offence. Generator room is located about 20 metres East from the closed Tea Stall. The DSP, ACB got prepared a rough sketch of the scene of offence duly indicating positions of the complainant, Sri D. Venkata Rao and trap party members, distances and directions among them with the help of one of the ACB officials viz., Sri A. Uma Maheswara Rao, PC 701 and it was attested by the mediators and the DSP.

Since prima facie case has been established against Sri D. VenkataRao the DSP arrested him after explaining the grounds of arrest on 06.02.2020 at 23.15 hours duly observing all legal formalities.

The mediator's report-II was commenced on 06.02.2020 at 18.00 hrs and concluded at 23.30 hrs on 06.02.2020.

On 07.02.2020 Sri D. Venkata Rao was produced before the Hon'ble Spl., Judge for SPE & ACB cases, Rajamahendravaram along with remand report and other relevant documents. The Hon'ble Spl., Judge sent Sri D. Venkata Rao for judicial custody. Later he was enlarged on bail.

During the course of investigation Sri Nallamilli Peda Ramakrishna Reddy, Chief Executive Officer, A.P., Maritime Board, Sri Gokina Veera Raghava Rao, Port Officer (FAC), A.P., Maritime Board Camp Office, Kakinada and Sri Golla Rajababu, Port Conservator, A.P. Maritime Board Officeand some others were examined and recorded their statements which are in the oral evidence.

The Questioned voice (Pen-drive) which was recorded by the complainant in his cell phone about the demand of bribe by Sri D. Venkata Rao was compared with the specimen voices recorded by the SFSL experts and gave opinion.

The call data particulars of the Cell No. 9816091033 of Sri D. Venkata Rao and the cell No. 9121845999 of the complainant were obtained from the alternate Nodal Officer A.P&T Circle, Reliance Info-com Ltd, Hyderabad. It shows that the call conversation occurred between the complainant and Sri D. Venkata Rao.

The Government Servant got anticipatory bail vide Crl.M.P.No. 1321 of 2021, dtd. 05.03.2021 from the Hon'ble High Court of A.P., Amaravathi. As per the said directions the Government Servant was released on bail on 25.03.2021 on producing sureties.

Hence the charge against the Government Servant in abuse of his official position with a common intention demanded and accepted the bribe of Rs. 60,000/- from the complainant through Sri D. Venkata Rao for doing an official favour is held substantiated.

Thus, the Government Servant by his above mentioned acts exhibited lack of integrity, devotion to duty and unbecoming of a Government Servant and brought down the prestige of the Government and there by violated/contravened Rule 3 (1) & 3(2) of APCS (Conduct) Rules, 1964.

Thus, the Government Servant rendered himself for Regular Departmental Enquiry for Major Penalty under Rule 20 of APCS (CC&A) Rules, 1991.

* * *

N YUVARAJ
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

B. Venkatarao

SECTION OFFICER

ANNEXURE - III

ORAL EVIDENCE

The following is the Oral Evidence collected during investigation to substantiate the allegation against the Government Servant.

1. Statement of Sri Nayanala Venkata Raksha Gandhi, S/o Suryanarayana Murthy, Age 48 years, Occ/Business, R/o D.No. 16-23B-1/9, Road No. 3, Pallamraju Nagar, Kakinada, East Godavari district.

He is the de-facto complainant in this case. He speaks about the facts of his complaint dtd. 05.02.2020 submitted to the DSP, ACB, Rajamahendravaram Range and also speaks about the contents of the mediator's report- I, II, dated. 06.02.2020 to the extent concerned him. The statement of the complainant was recorded U/s 164 Cr.P.C by the Hon'ble First Addl., Junior Civil Judge - cum - Special Judicial First-Class Magistrate for Prohibition & Excise, Kakinada, East Godavari District on 02.03.2020 and he corroborated the same facts as stated in his Sec. 161 Cr.P.C statement etc., facts.

2. Statement of Sri Ragumalla Venkateswara Rao, S/o Srinivasulu, Age/37 years, Occ/Port Conservator, A.P. Maritime Board Office, Beach Road, near Kumbabisekham Road, Kakinada, R/o Flat No. 201, Bhavya Towers, RTO Office Centre, Kakinada, East Godavari district.

He has been working as Port Conservator since 02.12.2017 in the office of Port Office, Kakinada. He has been dealing with court matters relating to Port lands, land lease and ensure the lease amounts are properly deposited to the Govt., through online. Himself and 6 Port Conservators and 1 Ward Supervisor are stationed in Port Conservancy Staff room and discharging their duties. Sri Dangeti Venkata Rao, Port Conservator is also functioning in the same room. He is seeing PC registration matters. On 06.02.2020 at about 11.00 hrs., he came to office and attending to his routine works. In the same time Sri Venkata Rao also came to office. In the evening at about 17.00 hrs., while Sri D. Venkata Rao sat in the chair opposite to another Port Conservator. Meanwhile, one person came to Venkata Rao and talked to him for a while. He didn't hear their conversation. After a while both of them left from that place. At about 17.40 hrs., he came to know that Sri D. Venkata Rao was trapped by the ACB Officials when he demanded and accepted bribe of Rs. 60,000/- from the complainant for doing an official favour to process the file of the complainant pertaining to registration of his Barge SUNN GLORY and to issue registration certificate duly signed by the Government Servant. Later the ACB officials came to Conservancy Staff room along with Venkata Rao and conducted proceedings etc., facts.

3. Statement of Sri Golla Rajababu, S/o Venkateswara Rao, Age/58 years, Occ/Port Conservator, A.P. Maritime Board Office, Beach Road, near Kumbabisekham Temple, Kakinada, R/o Venkata Nagar, Kakinada, East Godavari district.

He has been working as Port Conservator, O/o Port Officer, Kakinada from November, 2017 and attending to long lease of lands belonging to Kakinada Port. On 06.02.2020 at about 11.00 hrs., he came to office for his routine work. Further he corroborated the statement of Sri Raghumalla Venkateswara Rao, Port Conservator etc., facts.

Further Examination on 27.04.2021:

On further examination he stated that he was promoted as Superintendent and working in Port Office, Kakinada from September 2020. Previously he worked as Port Conservator (Port lands lease) in the O/o Port Officer, Kakinada from November 2017

to till the date of promotion. As per the instructions of Port Officer (FAC) Sri Veera Raghava Rao, he assumed the charge of Port Conservator (PC Registration) on 28.02.2020. Later, as per the instructions of Port Officer he has processed the file of the complainant and sent the same to Port Officer through Harbour Craft Superintendent for issuing of Barge Licence of the complainant on 29.02.2020. The Port Officer verified the file and issued the Licence of the Barge of the complainant on 29.02.2020 on the same day, the said licence of barge was sent to the complainant etc., facts.

4. Statement of Sri Medisetti Bhaskar Rao, S/o Sri Ramachandra Murthy, Age/58 years, Occ/Port Conservator, A.P. Maritime Board Office, Beach Road, near Kumbabisekham Temple, Kakinada, R/o D.No. 16-22-86, Dairy form centre, Kakinada, East Godavari district.

He has been working as Port Conservator since 2005 up to 07.02.2020 Sri Budda Adinarayana (G.S) worked as in our Port Officer. On 06.02.2020 at about 10.30 hrs., he came to office for his routine work. Further he corroborated the statement of Sri Raghumalla Venkateswara Rao, Port Conservator etc., facts.

5. Statement of Sri Pinapothu Siva Veerabadhra Rao, S/o Nageswara Rao, Age/38 years, Occ/Oiler, Sunn Glory Barge, R/o Etimoga, Kakinada, East Godavari district.

He is working as Oiler in Sunn Glory barge of N.V.R. Gandhi (Complainant) from the last three years. They supplied water to the stayed ships through barge. He knew that his owner applied for barge registration. On 06.02.2020 at about 05.00 to 05.30 PM he was present in the barge when the barge was staying in rake canal near Railway gate. Meanwhile his owner Gandhi and Port Conservator, Sri D.Venkata Rao came to his barge, the Port Conservator, Sri D.Venkata Rao inspected the barge safety measurements, engine and parts etc., and taken photos and went away along with his owner Gandhi. At that time no one of our barge workers werepresent in the barge. Later he came to know that Sri D. Venkata Rao was trapped by the ACB Officials when he demanded and accepted bribe of Rs. 60,000/- from his owner Sri N.V.R. Gandhi (Complainant) for doing an official favour to process the file of the complainant pertaining to registration of his Barge SUNN GLORY and to issue registration certificate duly signed by the Port Officer (G.S) etc., facts.

6. Statement of K.V.S.S.R.Ch. Varma, S/o K.S.N. Raju, 48 years, Occ/Port Conservator, O/o Port Officer, A.P. Maritime Board, Kakinada, R/o D.No. 4-74/2, Madhurapuram, Vakalapudi, Kakinada, East Godavari district.

He has been working as Port Conservator in the O/o Port Officer, Kakinada. He used to look after the works of Private Port Matters monitoring, Security matters and In-land vessels registration and cancellations. On 10.01.2020 he received the application of NVR. Gandhi, Srija Marine and contract services through tappal for cancellation of I.V Registration of his barge Sunn Glory with the attestation of Government Servant. Then he prepared cancellation note file and submitted before the G.S. Later the G.S cancelled the said I.V. registration on 24.01.2020. Before completion of exemption period i.,e 24 months in connection with I.V. Rules the vessels will be registered under I.V. Rules. It is not correct to cancel the registration under I.V. Rules and registered under old harbour craft rules after existence of I.V. Rules. As the existing I.V. Rules are very comprehensive in terms of safety of vessels etc., and for complying with those rules certain modifications or improvements may be required for the existing vessels. It is burden to the owners of the vessels who have to spent more money to the vessels for purchase articles. To avoiding the said financial burdens the owners of the barges change their vessels from I.V. Registrations to harbour craft registrations. he knew that Sri D. Venkata Rao (A.O-1) was trapped by the ACB Officials on 06.02.2020 when he demanded and accepted bribe of Rs.

60,000/- from the complainant for doing an official favour to process the file of the complainant pertaining to registration of his Barge SUNN GLORY and to issue registration certificate duly signed by the Government Servant etc., facts.

7. Statement of Sri Nallamilli Peda Ramakrishna Reddy, S/o late Sri Veerredy, Age/70 years, Chief Executive Officer, A.P., Maritime Board.

He is working as Chief Executive Officer, A.P., Maritime Board established by the Government of A.P., under act 16 of 2019 from 06.04.2021. Kakinada Port comes under the jurisdiction of A.P., Maritime Board. One Sri Budda Adinarayana (G.S) has worked as Port Officer (FAC) in Kakinada Port from 09.10.2019 to 07.02.2020. As a Port Officer (G.S)he is the competent authority for registration of Barges, Vessels and Boats. Apart from that it is his duty to attend court cases, collection of Revenue to Govt., as per the rules in vogue and also act as Port facility, security officer and Navel Reporting Officer. The Port Officer (G.S) to discharge his duties with the assistance of his subordinates. Earlier the barge/boat owners used to register their vessels under harbour craft rules 1980. But on 08.11.2017 the Govt., of A.P., have issued G.O MS No. 26 as per which the respective owners of barges/boats plying in inland waterways have to invariably get their crafts register under I.V. Rules. However, exemption period as contemplated under clause 1.3-1B of I.V. Rules is 24 months. Earlier to the issue of these rules the rules governing for registration of vessels at Kakinada Port were A.P. State Ports Harbour craft rules 1980. As the existing I.V. Rules are very comprehensive in terms of safety of vessels etc., and for complying with those rules certain modifications or improvements may be required for the existing vessels. He was informed that registration for certain vessels were converted into I.V. Rules 2017 based on the willingness of the owners and certain vessels were continued under harbour craft rules (KKD) because of 24 months exemption period. However certain vessel owners were seeking change of registration of their crafts from I.V. Rules 2017 to the old rules (harbour craft rules) which is not correct and against the I.V. Rules. He perused the official favour file which was given by the Inspector, ACB and noticed that One Sri N.V.R. who is owner of a barge SUNN GLORY has applied for cancellation of I.V. Registration of his barge on 06.01.2020 and also applied for Harbour Craft Registration/KKD registration on the same day. The Government Servant has endorsed the said applications to the concerned Port Conservators Sri K.V.S.S.R.Ch. Varma and Sri D. Venkata Rao (A.O-1). As seen from the note file put up by the said Varma, Port Conservator, the I.V. Registration of the barge owned by Sri Gandhi was cancelled on 24.01.2020 by Government Servant. Also as seen from the record, though the registration made under I.V. Rules was cancelled by the said G.S, the Harbour Craft registration as requested by the said Gandhi was kept pending from 24.01.2020 till the day of trap i.e., on 06.02.2020. As per the Citizen Chart exhibited in the Port Office, the registration of Barge/Fishing boat has to be done within 7 days and renewal should be done within 3 days from the date of receipt of application. But in the instant case though the application was received on 06.01.2020, the same was not disposed of even after one month. He was informed after his joining as Chief Executive Officer, that Sri D. Venkata Rao was trapped by the ACB Officials on demand and acceptance of bribe of Rs. 60,000/- from the complainant for doing an official favour to process the file of the complainant pertaining to registration of his Barge SUNN GLORY and to issue registration certificate duly signed by the Government Servant. As per the Job chart of the Port Officer he is the competent authority to register the barges/boats and to issue registration certificates and as per the job chart of the Port Conservator for PC Registration is processing the files of the registrations of the boats/barges and submit the files to the Port Officer through proper channel for issuing registration certificates. Sri D. Venkata Rao was also kept under suspension basing on the Radio Message from Addl. S.P., ACB, Rajamahendravaram vide Procs No. DCEO/DoP/B1/115/2020-1, dt.11.02.2020 of O/o. Dy. CEO/Director of Ports, Kakinada. Sri B. Adinarayana FAC was cancelled and was transferred to Bhavanapadu as a Special Officer. APCS

(Conduct Rules), 1991 are applicable to both Government Servant as well as the Conservator as per Section 20 (1) of A.P., Maritime Board Act, 2018 (Act 16 of 2019) etc., facts.

8. Statement of Sri Gokina Veera Raghava Rao, S/o Sai Baba, Age 58 years, Occ/Port Officer (FAC), A.P., Maritime Board Camp Office, Kakinada, R/o Flat No. 302, Rupanjali Deluxe Apartment, D.No. 2-25-10, Sri Nagar, Kakinada, East Godavari district.

He has been working as Port Officer (FAC), A.P., Maritime Board Camp Office, Kakinada since 07.02.2020. After ACB trap of Venkata Rao/A.O-1, the then Port Officer Sri B. Adinarayana (G.S) holding Full Additional Charge of Kakinada Port was cancelled and gave Full Additional Charge of Port Officer to him. He endorsed the Barge registration file of the complainant to Superintendent Sri Raja Babu for further process. As per his instructions the said Raja Babu processed the file and submitted before him through Harbour Craft Superintendent on 29.02.2020 for issuing of registration certificate of complainant's Barge. He has verified the file and issued Barge registration certificate on the same day etc., facts.

9. Sri B.V.S. Siva Prasad, Assistant Director, Andhra Pradesh Forensic Science Laboratory, Mangalagiri, A.P.

He speaks about collecting Specimen Voices of the Government Servant, Port Conservator Venkata Rao and the Complainant on 21.01.2021, as per the orders of the Hon'ble Court of Spl. Judge of S.P.E & A.C.B Cases, Rajamahendravaram. He also speaks about comparing the voices of Government Servant, Sri D. Venkata Rao and the Complainant in Pen-drive handed over by the Complainant with their Specimen Voices collected by the APFSL, Vijayawada and opined through his Report vide File No. AVF/34/2021, dated 31.10.2022 of APFSL, Mangalagiri that the questioned voices of Government Servant, Sri D. Venkata Rao and the Complainant were tallied with that of the Specimen Voices of the Government Servant, Sri D. Venkata Rao and the Complainant etc., facts.

10. Sri E. Annamani, Hon'ble First Addl., Junior Civil Judge - cum - Special Judicial First-Class Magistrate for Prohibition & Excise, Kakinada.

She speaks about recording of Sec. 164 Cr.P.C statement of the complainant Sri N.V.R. Gandhi on 02.03.2020 etc., facts.

11. Sri Basava Suryanarayana, S/o Suryanarayana, 49 years, Deputy Executive Engineer, O/o Executive Engineer, M & P Division, Rajamahendravaram, R/o D.No. 78-15-20/15, Flat No. 503, Golden Heights Apartment, Syamalanagar, Rajamahendravaram.

He is the 1st mediator for the trap laid against the Port Conservator, Sri D. Venkata Rao, he speaks about the contents of pre-trap & post-trap proceedings, dtd. 06.02.2020.

12. Sri Bandaru Venkata Srinivas, S/o Late Appa Rao, 47 years, Senior Assistant, O/o Superintending Engineer (Operations), ADM Section, Circle Office, Rajamahendravaram, R/o Flat No. 201, Anjanadri Apartment, Jamindarmetta, Seethammapeta, Rajamahendravaram.

He is the 2nd mediator for the trap laid against the Port Conservator, Sri D. Venkata Rao, he speaks about the contents of pre-trap & post-trap proceedings, dtd. 06.02.2020.

13). Sri P. Rama Chandra Rao, Deputy Superintendent of Police, ACB, Rajamahendravaram Range, Rajamahendravaram.

He speaks to the facts of receiving the complaint dtd. 05.02.2020from the complainant along with the Pen-drive containing the conversation dts.23.01.2020, 24.01.2020 and 25.01.2020, verifying the genuineness of the contents of the said compliant, registration of case in Cr.No. 04/RCT-RJY/2020 of ACB, Rajamahendravaram Range., laying trap against Port Conservator, Sri D.Venkata Rao, the developments taken place during the Pre and Post Trap Proceedings., arrest of the Port Conservator, Sri D. Venkata Rao and mentioning the involvement of Government Servant in this case etc., facts.

14). Sri V. Pulla Rao, Inspector of Police, ACB, Rajamahendravaram Range, Rajamahendravaram.

He speaks about the investigation conducted by him into this case by examining all relevant witnesses and collecting all relevant documents and etc., facts.

15). Any other witnesses whose evidence is relevant to this case.

* * *

N YUVARAJ
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

SECTION OFFICER

ANNEXURE - IV

DOCUMENTARY & MATERIAL EVIDENCE

The following is the documentary evidence available on record to substantiate the allegation against the Government Servant.

1. Complaint dtd. 05.02.2020 given by the complainant Sri N.V.R. Gandhi:

   It reveals the facts of the demand of the bribe amount of Rs. 60,000/- by the Port Conservator, Sri D.Venkata Rao for himself and Government Servant from the complainant for doing an official favour to the complainant.

2. F.I.R in Cr. No. 04/RCT-RJY/2020 U/s 7(a) of P.C. (Amendment) Act 2018, dt. 06.02.2020:

   It reveals that the complaint dt. 05.02.2020 was received from the complainant with regard to demand of bribe by Port Conservator, Sri D.Venkata Rao and Government Servant and after due verification about the genuineness of the allegation in the complaint registering a case against them.

3. Mediators Report-I, dt. 06.02.2020: It reveals the facts relating to the happenings that took place during the mediator's report-1, dtd. 06.02.2020 in the office of DSP, ACB, Rajamahendravaram Range from 10.40 hrs to 13.40 hrs.

4. Mediators Report-II, dt. 06.02.2020: It reveals the facts relating to the happenings that took place during the mediator's report-II, dtd. 06.02.2020 drafted at the Port conservancy staff room at Port Office, Kakinada from 18.00 hrs to 23.30 hrs.

5. Made up files: File pertaining to Srija Marine & Contracts Services, Pallamraju Nagar, Kakinada: containing following documents viz.,

   (a). License for Harbor Craft prepared in the name of M/s. Srija Marine & Contracts Services with Port Officer's stamp without signature -1 Sheet.

   (b). Application dtd. 06.01.2020 of the complainant Sri N.V.R. Gandhi addressed to the Port Officer, Kakinada for KKD registration of their SUNN GLORY Water Barge - 19 Sheets.

   (c). Draft Note File, dtd. .01.2020 pertaining to Sri N.V.R. Gandhi, Proprietor, Srija Marine & Contracts Services without signatures -1 Sheet.

   (d). Demand notice No. PC/R/SB/134/2019-20, dtd. 30.01.2020 of the Port Officer, Kakinada against Srija Marine & Contracts Services, Kakinada to pay Rs. 14,160/- towards Re-registration charges - 1 Sheet.

   (e). Payment receipt vide CFMS Transaction ID. 30152059202019, dtd.30.01.2020 for Rs. 14,160/- 1 Sheet.

   (f). List of new numbers as on 16.12.2019 prepared by the Port Conservator SriD.VenkataRao- 3 Sheets.

6. Attested copy of Book of Registration – 2 Sheets.

7. Attested copy of G.O.Ms.No. 26, dtd. 08.11.2017 of the Prl., Secretary to Govt., relating to the Issuance of Andhra Pradesh Inland Vessels Rules, 2017 - 3 Sheets.

8. Attested copy of last Registration of License granted to M/s Balaji Marines; Kakinada vide Regn No. 55D-LB37.

9. Attested copy of list of work allocation among Ministerial Staff & Executive Staff working in the office of the Port Officer, Kakinada - 2 Sheets.

10. Tappal Register of O/o Port Officer, Kakinada - 1 Register.

11. Attendance Register of O/o Port Officer, Kakinada – 2020 - 1 Register.

12. Certified copy of Sec. 164 Cr.P.C statement of the complainant recorded on 02.03.2020 before the Hon'ble First Addl., Junior Civil Judge - cum - Special Judicial First-Class Magistrate for Prohibition & Excise, Kakinada.

13. Rough Sketch of the scene of offence.

14. Certificate U/s 65 (B) (4) (c) of Indian Evidence Act, 1872 from the complainant.

15. Certificates U/s 65 (B) (4) (c) of Indian Evidence Act, 1872 from the alternate Nodal Officer-A.P& T Circle, Reliance Infocom Ltd, Hyderabad duly stating that the mobile number 9866091033 is in the name of the Port Conservator, Sri D. Venkata Rao.

16. APFSL Report (Voice analysis) vide File No. file No. AVF/34/2021, dated. 31.10.2022

17. Job charts of Port Conservator (P.C Registration) and Port Officer O/o Port Officer, A.P. Maritime Board Camp Office, Kakinada.

18. Citizen Charter of the O/o Port Officer, A.P. Maritime Board Camp Office, Kakinada.

19. Material Evidence:

1). The Pen drive handed over by the complainant on 05.02.2020:

The Pen drive contains the conversations Dt. 23.01.2020, 24.01.2020 & 25.01.2020 that took place between the complainant and the Port Conservator Sri D. Venkata Rao and Government Servant. The conversations reveal the demand of bribe by the Port Conservator, Sri D.Venkata Rao from the complainant for himself and on behalf of Government Servant for doing an official favour.

2). Samsung Galaxy M-30 model cell phone of Sri Dangeti Venkata Rao, Port Conservator which is containing photos of the barge of the complainant taken by Sri Dangeti Venkata Rao.

3). Tainted Currency notes of Rs. 60,000/- recovered and seized from the possession of the Port Conservator, Sri D.Venkata Rao during the post trap proceedings, dt.06.02.2020.

4). The resultant chemical test solutions relating to both hands and pant left side pocket of the Port Conservator, Sri D. Venkata Rao seized during the post trap proceedings, dt.06.02.2020.

5). The Ash-coloured pant of the Port Conservator, Sri D.Venkata Rao seized during the post trap proceedings, dt.06.02.2020.

The objects mentioned above in Sl. No. 3 to 5 will prove that the Port Conservator, Sri D.Venkata Rao accepted the tainted currency notes of Rs. 60,000/- from the complainant for himself and Government Servant with his left hand and kept in his pant left side pocket and the same was recovered during the post trap proceedings.

* * *

N YUVARAJ
SPECIAL CHIEF SECRETARY TO GOVERNMENT (FAC)

B. Venkateswarlu
SECTION OFFICER